

Appl. No. 10/668,396
Amdt. dated April 8, 2008
Reply to Office Action of December 31, 2007

Remarks

The present amendment responds to the final Official Action dated December 31, 2007. A petition for a one month extension of time and authorization to charge our credit card the fee of \$120 accompany this amendment. The Official Action rejected claim 18 under 35 U.S.C. 112, second paragraph, as indefinite. Claims 1-5, 7, 14-18 and 21 were rejected under 35 U.S.C. 102(b) based on Bowers U.S. Patent No. 6,025,780 (Bowers). Claim 6 was rejected under 35 U.S.C. 103(a) based on Bowers. These grounds of rejection are addressed below. Claims 1, 3, 14, 17 and 18 have been amended to be more clear and distinct. Claims 8-13, 19 and 20 have been previously canceled without prejudice. Claims 1-7, 14-18 and 21 are presently pending.

Section 112 Rejection of Claim 18

As noted in the Interview Summary filed November 29, 2007 attached as Exhibit A hereto, this issue was to be addressed by an agreed upon Examiner's Amendment. However, as that amendment was apparently not made, claim 18 as filed herewith shows the agreed upon amendment and overcomes the rejection.

The Art Rejections

As addressed in greater detail below, Bowers does not support the Official Action's reading of it and the rejections based thereupon should be reconsidered and withdrawn in light of the present amendment. Further, the Applicant does not acquiesce in the analysis of Bowers and made by the Official Action and respectfully traverses the Official Action's analysis underlying its rejections.

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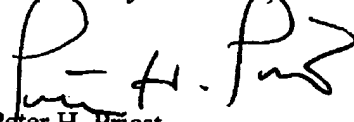
As claimed by claims 1 and 14 as presently amended, the present invention utilizes the same RFID label both for retrieving the cost or price for the item from the price look-up table and for executing a security function by determining the read identification can be ignored for items brought into the store by the shopper. As claimed by claims 3 and 17, for example, the same RFID labels are read as a shopper exits the store to provide security.

By contrast, Bowers simply addresses security aspects of RFID tags and not their use to build transaction records by retrieving cost or price information from a price look-up as presently claimed. Thus, Bowers does not anticipate and does not make obvious the claims as presently amended.

Conclusion

All of the presently pending claims, as amended, appearing to define over the applied references, withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted,



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE			
Applicant: Goodwin, III			
Serial No.: 10/668,396			
Filed: September 23, 2003			
For: METHOD OF DISTINGUISHING STORE ITEMS HAVING RFID LABELS FROM ITEMS BROUGHT INTO THE STORE BY A SHOPPER			
Group: 3629			
Examiner: Gerardo Araque, Jr.			
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		Durham, North Carolina November 29, 2007	
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Date: November 29, 2007			

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